

USSN 09/981,413

Amendment Responsive to Final Office Action dated 3/16/2006

Attorney Docket No. 9D-EC-19899/064853-031

**REMARKS/ARGUMENTS**

Claims 1-16 are pending in the present application.

Claims 1-16 stand rejected as being anticipated by U.S. Patent No. 6,937,993 (hereinafter referred to as Gabbita). Reconsideration of these rejections is respectfully requested in view of the foregoing amendments and the following remarks.

**Anticipation Rejections**

Regarding any rejection under 35 U.S.C. §102, it is noted that the test for anticipation is whether all the elements and operational relationships of the rejected claim are found within a single prior art reference. There must not be any differences between the claimed invention and the reference disclosure as viewed by a person of ordinary skill in the art. Absence from the reference disclosure of any claim element and/or operational interrelationship negates anticipation under 35 U.S.C. §102.

Claims 1 and 9 have been amended to more clearly define the subject applicants regard as the invention. Amended claims 1 and 9 are generally directed to a computerized method and system for managing and communicating information regarding an order of goods among a plurality of teams responsible for performing tasks through designated personnel that, when successfully performed, allow for fulfilling an order within a requested delivery date. More specifically, amended claims 1 and 9 recite that the rulebase includes a set of rules configured to automatically assign not only an order to selected personnel but also a predefined corrective action to the selected personnel.

Further, the order and predefined corrective action are assigned based at least in part on "the nature of the cause impeding order progress and an order processing function of the respective team". Support for this aspect and examples are found on page 6, lines 3-17 of applicants' specification. In this respect, the set of rules is configured to automatically assign a predefined corrective action based on a set of conditions established in the rules.

The Examiner previously rejected claims 1 and 9 as being anticipated by Gabbita. The Examiner cites column 2, lines 8-13 of Gabbita as disclosing "the cause

USSN 09/981,413

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of delay is determined and the corrective action is sent." (emphasis added; paragraph 5 of the Office Action). This is simply not an accurate summary of the teachings of Gabbita in the cited section. Correctly quoted, column 2, lines 8-13 disclose in part that "the telecommunication company employees can immediately determine the cause of the delay so that corrective action can be taken before the delay becomes critical." (emphasis added) It is clear that the employees need to determine the cause of the delay before determining what corrective action may be taken. The employees may then determine how to implement the corrective action. There is no disclosure here or elsewhere in Gabbita that corrective action is sent, as concluded by the Examiner, let alone that a predefined corrective action is sent to respective personnel as claimed in amended claims 1 and 9.

Applicant also points out that Gabbita discloses in column 3, lines 6-8 that if a "Service Order is delayed, users can immediately determine information about the delay and take corrective action before it becomes critical." This clearly supports the proposition that a user must first assess the reasons for the delay before deciding what corrective action, if any, will be taken. Again, there is no disclosure with respect to assigning predefined corrective actions as claimed in amended claims 1 and 9.

The Examiner also weaves an argument in paragraph 5 that, in essence, because Gabbita employs an algorithm to implement aspects of the invention disclosed therein that it also assigns predefined corrective actions as claimed by applicants. The Examiner suggests that the disclosure in column 10, lines 6-8 somehow creates a "predefined corrective action" with respect to expedited orders of Gabbita. Applicants disagree with this suggestion. Column 9, line 50 through column 10, line 8 disclose that Local Sales Consultants will typically expedite an order when delivery dates are promised to customers that would not generally provide the company with the normal processing time required to deliver those products or services. This action clearly occurs when the order is placed and the scheduling algorithm will give it priority by providing a distinctive highlighting when that order is viewed through a web interface. There is simply no disclosure with respect to a set of rules that will automatically assign a predefined corrective action to ensure a delivery date is met as claimed in claims 1 and 9.

USSN 09/981,413

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In summary, it seems clear that any corrective actions taken in the disclosure of Gabbita are determined on a case-by-case basis by users involved in the process in response to an identified delay. The system of Gabbita merely informs the users about the delay so that they can then decide what corrective action should be performed. This is clearly different from the structural and/or operational relationships set forth in amended claims 1 and 9 wherein an order and a predefined corrective action are automatically assigned to selected personnel. That is, in the claimed invention the personnel do not have to decide what the corrective action is, since the corrective action is automatically assigned to them. Gabbita nowhere describes or suggests any automated assignment of a predefined corrective action to the user.

In view of the above, applicants respectfully submit that Gabbita fails to meet the exacting requirements of a §102 rejection and does not describe the structural and/or operational relationships set forth in amended claims 1 and 9. Consequently, Gabbita fails to anticipate amended claims 1 and 9 under the exacting §102 statutory requirements.

Claims 2-8 depend from amended claim 1 and thus incorporate the structural and/or operational relationships set forth therein plus their own recitations. It is respectfully submitted that Gabbita also fails to anticipate claims 2-8 under the exacting §102 statutory requirements.

Claims 10-16 depend from amended claim 9 and thus incorporate the structural and/or operational relationships set forth therein plus their own recitations. It is respectfully submitted that Gabbita also fails to anticipate claims 10-16 under the exacting §102 statutory requirements.

Notwithstanding the above, it is also submitted that the Examiner misapplies the rejection of claims 6 and 14. These claims recite "the set of rules in the rule base is further configured to assign a lack of progress severity ratings based at least in part on continuing lack of progress beyond a fix completion date." Neither column 9, lines 29-33 cited by the Examiner or the disclosure of Gabbita with regard to a Jeopardy escalation process describe the instant invention as claimed in claims 6 and 14. Applicants' invention assigns varying ratings in the event progress to fulfill an order is lacking beyond a fix completion date. No such progress severity ratings are disclosed

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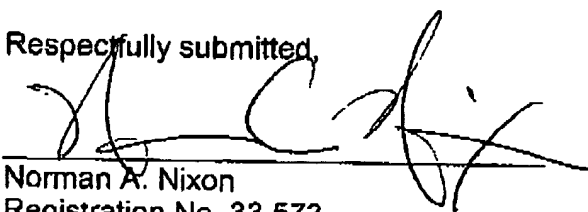
in Gabbita with respect to its Jeopardy escalation process. If a Jeopardy point defined in a Work Plan of Gabbita is missed then all the remaining Work Steps in a Work Plan are placed in a Jeopardy state and the priority level of the Work Plan is elevated (col. 12, lines 19-25). The escalation process of Gabbita is a binary or yes/no process where the same action is taken in the event a Jeopardy point is missed unlike the invention as claimed in claims 6 and 14, which uses a rating system based on the continuing lack of progress beyond a fix completion date.

Applicants also submit that claims 1-16 are allowable over Gabbita under 35 U.S.C. §103 because there is no teaching, suggestion or incentive found in Gabbita or in the knowledge generally available to one of ordinary skill in the art to modify the disclosure of Gabbita to arrive at the invention as claimed in claims 1-16.

It is respectfully requested that this amendment be admitted to put this application in condition for allowance because each of the claims pending in this application recites subject matter allowable over the prior art. Alternatively, applicants respectfully request that this amendment be admitted to place the claims in better form for appeal.

The Examiner is invited to call the undersigned if clarification is needed on any aspects of this Reply/Amendment, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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